

S U M M A R Y A C T I O N M I N U T E S



REGULAR MEETING OF THE BOARD OF SUPERVISORS ORANGE COUNTY, CALIFORNIA

Tuesday, August 5, 2003, 9:30 A.M.

BOARD HEARING ROOM, FIRST FLOOR
10 Civic Center Plaza
Santa Ana, California

THOMAS W. WILSON
CHAIRMAN
Fifth District

JAMES W. SILVA
VICE CHAIRMAN
Second District

CHARLES V. SMITH
SUPERVISOR
First District

BILL CAMPBELL
SUPERVISOR
Third District

CHRIS NORBY
SUPERVISOR
Fourth District

ATTENDANCE: All Present

EXCUSED: None

PRESENT:	COUNTY EXECUTIVE OFFICER	James D. Ruth, Interim CEO
	COUNTY COUNSEL	Benjamin P. de Mayo
	CLERK OF THE BOARD	Susan Novak, Assistant

INVOCATION: Supervisor Norby, Fourth District, gave the invocation

PLEDGE OF ALLEGIANCE: Supervisor Campbell, Third District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

Chairman Wilson presented a resolution proclaiming August 2003 as "Child Support Awareness Month"

Chairman Wilson presented a resolution commending Robyn Cornish for her sincere efforts to honor veterans of Orange County

II. CONSENT CALENDAR (Items 1-21)

13245 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 9 WHICH WAS DELETED; AND ITEMS 13 & 19 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

1. **Supervisor Smith** - Assessment Appeals Board No. 2 - Reappoint Arthur C. Wahlstedt, Jr., Newport Beach, for term ending 9/3/06

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2. **Chairman Wilson** - Housing and Community Development Commission - Reappoint Bruce Sonnenberg, Irvine, for term ending 6/30/05

COMMENDATIONS/PROCLAMATIONS

3. **Supervisor Silva** - Adopt resolution recognizing and congratulating Jim Silcock, member of the California Paralyzed Veterans Association, for his dedication to the community
RESO: 03-253

CHILD SUPPORT SERVICES

4. Approve hold harmless agreements with Orange International Street Fair, Inc. for public outreach events, 8/29/03 - 8/31/03 - All Districts

HEALTH CARE AGENCY

5. Adopt resolution approving submission of grant application to State Integrated Waste Management Board for Newport Beach Clean and Green Harbor Program, 12/1/03 - 3/31/06 (\$185,000) - District 2
RESO: 03-254

INTEGRATED WASTE MANAGEMENT DEPARTMENT

6. Approve agreement 5-2002-0043 with California Department of Fish and Game for construction of approved storm water desiltation basin, Frank R. Bowerman Landfill; and find that the project is covered by Negative Declaration No. 382 - District 3
7. Approve plans and specifications and set bid opening for 9/17/03, 2:00 p.m., for construction of Facility Improvement Project at Prima Deshecha Landfill; and make California Environmental Quality Act findings - District 5

PUBLIC FACILITIES AND RESOURCES DEPARTMENT

8. Approve continuance of emergency and make appropriate findings pursuant to Public Contract Code Section 22050(c)(1) for repair of HVAC ductwork, Central Justice Center; set review to determine continuing need for emergency action for 8/19/03, 9:30 a.m., and every 14 days thereafter - District 1 (4/5 vote) (Continued from 7/22/03, Item 50)
9. Approve price agreement N1000005261 with Dr. Richard H. Evans for veterinary care for exotic, native and domestic animals at Orange County Zoo and Peter & Mary Muth Interpretive Park, 8/1/03 - 7/31/04 (\$35,000); renewable for two additional years - All Districts (Continued from 7/22/03, Item 19)

13245 **DELETED**

10. Approve Exhibit A: Acknowledgement of Landowner between United States Fish and Wildlife Service, California Department of Fish and Game, and the Nature Conservancy for the Interim Habitat Loss Permit Mitigation Fee agreement, Crown Valley Parkway Bridge Improvement Project; and find that the project is covered by Final EIR 567 - District 5
11. Approve placement of sculpture for donor recognition in the Upper Newport Bay Nature Preserve and Peter and Mary Muth Interpretive Center - District 2
12. Approve amended agreement 001 with Beaches of Southern California Marketing Coalition and

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Chevrolet Motors Division, General Motors Corp. for lifeguard vehicle sponsorship - Districts 2 and 5

13. Approve agreement 02-177-559-0 with State Water Resources Control Board for funding of construction of a low flow infiltration/sand filter at the outlet of Munger Storm Drain - District 5
32145 **APPROVED AS RECOMMENDED**

SOCIAL SERVICES AGENCY

14. Authorize submission of grant application to U.S. Department of Health and Human Services, Administration for Children and Families, Office of Refugee Resettlement for employment subsidy program for refugees with assimilation difficulties - All Districts

PUBLIC PROTECTION

15. **Probation** - Adopt resolution approving submission of grant application to California Department of Health Services, Information and Education Program to provide prevention and health education program activities - All Districts
RESO: 03-255

Sheriff-Coroner:

16. Authorize use of County vehicles for transportation of Explorers to attend Orange County Law Enforcement Explorer Advisor Association Explorer Academy, 8/17/03 - 8/21/03; and make appropriate findings - All Districts
17. Approve agreement with Interstar Communications Corporation for installation of DIRECTV satellite television service, Harbor Patrol Facility - District 2

GENERAL ADMINISTRATION

18. **Clerk of the Board** - Approve initial adoption of a Conflict of Interest Code for the Talega Joint Planning Authority - District 5

County Executive Office:

19. Adopt resolution approving destruction of paper personnel files upon completion of electronic imaging and conversion to electronic format - All Districts
32145 **APPROVED AS RECOMMENDED**
RESO: 03-256
20. Approve proposed Responses to FY 2002-03 Grand Jury Report entitled "Medical Resources at Juvenile Facilities" - All Districts
21. **Supervisor Campbell** - Approve waiver of parking fees for participants of ALSA "Walk D'Feet" held on 10/18/03, William Mason Regional Park, Irvine

END OF CONSENT CALENDAR

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III. DISCUSSION ITEMS (Items 22-S27C)

HEALTH CARE AGENCY

22. Approve amended price agreement S1000000235 with University of California, Irvine Medical Center for phlebotomy and laboratory testing services, 4/18/00 - 4/17/01 (\$172,500; new total \$754,180); and amend price agreement S4000000235 terminating contingency clause, 4/18/03 - 4/17/04 - All Districts
13245 **APPROVED AS RECOMMENDED**
23. Approve Memorandum of Understanding with Irvine Unified School District for Behavioral Health Outpatient services, 8/5/03 - 6/30/05 (\$582,000) - District 3
32145 **APPROVED AS RECOMMENDED**

HOUSING AND COMMUNITY SERVICES DEPARTMENT

24. **Acting as the Board of Supervisors and Orange County Development Agency** - Approve revised Neighborhood Preservation Program guidelines and policies; authorize Director or designee to approve updated internal policies and procedures for construction management activity for various grants; authorize issuance of Request for Proposals for construction management services for Single Family Residence Loan Program and return to the Board with recommendation for approval; authorize Department and Auditor/Controller to act as management for current loan portfolio and future financial services for rehabilitation loans/grants; authorize Director or designee to approve rehabilitation loans and related activities under certain conditions; approve standard Property Owner and Rehabilitation Grant agreements; and make California Environmental Quality Act and National Environmental Policy Act findings - All Districts (Continued from 7/29/03, Item 43)
15234 **MOTION FAILED TO CARRY TO APPROVE AS RECOMMENDED AND TO DIRECT**
NNN **STAFF TO REPORT BACK IN 6 MONTHS WITH REPORT ON IMPACTS OF CHANGES**
 TO LIMITS ON INCOME, HOME VALUE AND LIQUID ASSETS DICUSSED BY THE
 BOARD TODAY
- 42135 **APPROVED AS AMENDED TO SET MAXIMUM INCOME AT 80% OF AREA MEDIUM**
N **AND DIRECT STAFF TO PROVIDE QUARTERLY STATUS REPORTS ON PROGRAM**

GENERAL ADMINISTRATION

County Executive Office:

25. **Acting as the Community Facilities Districts 86-1,2, 87-5A - 5E (Ranch Santa Margarita); 87-1 (Dimensions Business Park); 87-2 (Portola Hills); 87-3 (Mission Viejo); 87-4 (Foothill Ranch); 87-6 (Baker Ranch); 87-7 (Los Alisos); 87-8 (Coto de Caza); 87-9 (Santa Teresita); 88-1 (Aliso Viejo); 88-2 (Lomas Laguna); 99-1, 2000-1, 2001-1 and 2002-1 (Ladera Ranch)** - Adopt resolutions levying special taxes for Community Facilities Districts, FY 2003-04 - Districts 3 & 5
53124 **APPROVED AS RECOMMENDED**
 RESO: 03-257 - 03-277
26. Approve recommended positions on introduced or amended legislation and consider other legislative subject matters - All Districts (Continued from 7/29/03, Item 55)
34125 **APPROVED AS RECOMMENDED WITH EXCEPTION TO DEFER ACTION ON**
 CONFERENCE COMMITTEE ON WORKERS' COMPENSATION UNTIL 8/12/03
 LEGISLATIVE REPORT

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27. Consider issues and options on Contract Contingency - All Districts (Continued from 7/22/03, Item 54; 7/29/03, Item 56)
13245 **APPROVED AS RECOMMENDED TO SELECT OPTION 1A**
N

- S27A. **Chairman Wilson** - Approve letter designating United Way as eligible local council to apply for grant from Early Learning Opportunities Act for children and their families in underserved areas of Orange County
54123 **APPROVED AS RECOMMENDED**

- S27B. **Registrar of Voters** - Presentation and Status report on the 10/7/03 California Recall Election - All Districts
PRESENTED

- S27C. **Supervisor Norby** - Consider countywide advisory vote on CenterLine project for the October 7, 2003 Recall Election
43125 **MOTION FAILED TO CARRY**
NNN

IV. PUBLIC HEARINGS (Item 28)

PUBLIC FACILITIES AND RESOURCES DEPARTMENT

28. Public Hearing to consider adopting resolution approving FY 2002-03 Weed Abatement Cost Report and special assessments on identified properties - All Districts
B.O. **CLOSED PUBLIC HEARING**
42135 **APPROVED AS RECOMMENDED**
RESO: 03-278

V. CLOSED SESSION (Items CS-1-SCS6)

GENERAL ADMINISTRATION

County Counsel:

- CS-1. Closed Session
CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - Pursuant to Government Code Section 54956.9(b):

- Number of Cases: One Case
B.O. **HELD, NO REPORTABLE ACTION**

- CS-2. Closed Session
CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):

- Name of Case: William Funk vs. County of Orange; VNO 449785; VNO 449786
B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF WILLIAM FUNK V. COUNTY OF ORANGE. THE PROPOSED SETTLEMENT REMAINS SUBJECT TO FINAL APPROVAL OF OTHERS. AS SOON AS THE PROPOSED SETTLEMENT BECOMES FINAL, DETAILS WILL BE MADE AVAILABLE IN THE OFFICE OF CEO/RISK MANAGEMENT TO ANY PERSON WHO INQUIRES.**

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- CS-3. Closed Session
CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to
Government Code Section 54956.9(a):
Name of Case: Melanie Cary vs. County of Orange, ANA 339118
- B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, APPROVED
A PROPOSED SETTLEMENT IN THE CASE OF MELANIE CARY V. COUNTY OF
ORANGE. THE PROPOSED SETTLEMENT REMAINS SUBJECT TO FINAL
APPROVAL OF OTHERS. AS SOON AS THE PROPOSED SETTLEMENT
BECOMES FINAL, DETAILS WILL BE MADE AVAILABLE IN THE OFFICE OF
CEO/RISK MANAGEMENT TO ANY PERSON WHO INQUIRES.**
- CS-4. Closed Session
ONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to
Government Code Section 54956.9(a):
Name of Case: Rosie Abrigo vs. County of Orange; SBR 300581; SBR 300582; SBR 300583;
SBR 300584
- B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, APPROVED
A PROPOSED SETTLEMENT IN THE CASE OF ROSIE ABRIGO V. COUNTY OF
ORANGE. THE PROPOSED SETTLEMENT REMAINS SUBJECT TO FINAL
APPROVAL OF OTHERS. AS SOON AS THE PROPOSED SETTLEMENT
BECOMES FINAL, DETAILS WILL BE MADE AVAILABLE IN THE OFFICE OF
CEO/RISK MANAGEMENT TO ANY PERSON WHO INQUIRES.**

County Executive Office:

- SCS5. Closed Session
PUBLIC EMPLOYEE APPOINTMENT - Pursuant to Government Code Section 54957:
Title: County Executive Officer
- B.O. **HELD, NO REPORTABLE ACTION**
- SCS6. Closed Session
CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to Government Code Section
54957.6:
Agency Negotiator: Susan Paul
Employee Organizations: United Domestic Workers of America, AFSCME, AFL-CIO and In-
Home Supportive Services
- B.O. **HELD, NO REPORTABLE ACTION**

VI. PUBLIC, BOARD & EMAIL COMMENTS & ADJOURNMENT

PUBLIC COMMENTS:

Larry Laven - Oral Re: Use of drugs in mental health treatment

Patrick Brady, Xuan Pham and Alberto Rivadeneyra - Oral Re: IHSS compensation & benefits

Darrell Nolta - Oral Re: Road repairs to protect cyclists

BOARD COMMENTS:

Supervisor Campbell - Oral Re: Directed CEO to monitor reports due to the Board

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ADJOURNED: 1:34 P.M.

- 31245 Adjourned in memory of Sam Hambarian
- 12345 Adjourned in memory of Dr. Dell Tomeoni
- 51234 Adjourned in memory of Ross Carpenter

*** KEY ***

Left Margin Notes

1. ✓ Supervisor Smith
2. ✓ Supervisor Silva
3. ✓ Supervisor Campbell
4. ✓ Supervisor Norby
5. ✓ Chairman Wilson

- A. ✓ Abstained
- X. ✓ Excused
- N. ✓ No
- BO ✓ Board Order

Right Margin Notes

- O. ✓ Ordinance
- R. ✓ Resolution

Above numbers refer to Supervisorial Districts (1st number = Moved by; 2nd number = Seconded by)

THOMAS W. WILSON, CHAIRMAN
Orange County Board of Supervisors

SUSAN NOVAK, ASSISTANT
Orange County Clerk of the Board